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UNITED STATES BANKRUPTCY COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

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12 IN RE:
13 ROSE L. PALMER,
Debtor,

Chapter 13

Bankruptcy No.: 00-27002

16 MOTION TO AVOID LIENS OF BUTTE
17 COUNTY CREDIT BUREAU

19 Date: August 27, 2019

20 Time: 10:00 a.m.

501 I Street Sixth Floor Ct Room 34

Hon. Judge Bardwill

DC No. SLP-1

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23 The Debtor, ROSE PALMER, by and through her attorney of record, Stacie L. Power,
24 hereby move this Court for an Order Avoiding Judicial Liens of BUTTE COUNTY CREDIT
25 BUREAU pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d)
26 and 9014. In support of this Motion, the Debtor(s) states the following;

27 1. This case was commenced with the filing of a petition under Chapter 13 on June
28 16, 2000. L.J. Loheit was duly appointed to serve as the Trustee in this case.

1 2. The Chapter 13 Plan was confirmed on August 31, 2000 and concluded on March
2 30, 2005. The Final and Report and Account was filed on June 7, 2005.
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4 3. This Motion is brought pursuant to 11 U.S.C. § 522(f)(1)(A). This Court has
5 jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as
6 provided by 28 U.S.C. § 157(b)(2)(K).

7 4. As shown on Schedule A of the filed case (see Exhibit A), the Debtor has an
8 interest in real property commonly known as 471 ¾ East Ave, Chico, CA 95926 (hereinafter,
9 “the Lien Property”).

10 5. At the time the case was filed, Debtor placed a value of \$55,000 on the Lien
11 Property. This asserted value was based upon the opinion of the Debtor. The Declaration of
12 the Debtor in Support of this Motion to Avoid Lien is filed concurrently herewith and is
13 incorporated herein by reference.

14 6. As shown in Schedule C of the filed case (Exhibit A), the Debtor has claimed an
15 exemption in the amount of \$46,855 on the Lien Property.

16 7. As shown in Schedule D (Exhibit A), the Debtor asserts that Butte County Credit
17 Bureau, a corporation, (“Creditor”) is the assignee of the debts originally incurred to N.T.
18 Enloe Memorial Hospital, James Umber, MD Inc., Chico Xray Medical Group, Paul K.
19 Forberg, MD, and Pathology Sciences, collectively listed on Schedule F as “NT Enloe
20 Hospital” on line 4 in the amount of \$56,650.00.

21 8. According to the Butte County Recorder’s Office, Creditor has recorded two liens
22 against Debtor for the 1993 Butte County Superior Court Case C32530 Butte County Credit
23 Bureau v. Rose Palmer, et. al and the 1994 Butte County Superior Court Case C33307 Butte
24 County Credit Bureau v. Rose Palmer, et. al.
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1 9. The Debtor further asserts that this lien was recorded as a result of a pre-petition
2 judgment rendered against the Debtor and that the lien does NOT relate to a 'Domestic Support
3 Obligation', as defined under 11 U.S.C. § 101.
4

5 10. In addition to Creditor's liens, there was a senior secured property tax lien in
6 favor of the Butte County Tax Collector in the amount of \$8,145.00.

7 11. The Meeting of Creditors on this case, as required under 11 U.S.C. § 341, was
8 concluded on August 3, 2000.

9 12. In summary;

10 Gross value of Lien Property.....\$55,000

11 Less: Superior Liens (if any).....\$8,145

12 Gross Equity.....\$46,855

13 Less: Exemption claimed by Debtor..... \$46,855

14 Net Equity after Exemption.....\$0

15 Less Lien by Creditor as of filing.....\$11,761

16 Net Impairment on Debtor's Exemption.....-\$11,761

17 13. As is shown above, the judicial lien held by Creditor would impair Debtor's
18 exemption.

19 14. Title 11 U.S.C. § 522(f)(1)(A) allows the Debtor to avoid a judicial lien if the lien
20 impairs an exemption. Since the extent of the impairment of the exemption exceeds the entire
21 value of Respondent's lien, the entire lien is avoidable

22 15. Debtor was represented by Attorney Timothy Stock at the time the petition was
23 filed. Debtor assumed that all of the necessary motions had been filed to avoid liens but
24 learned very recently that the liens of Creditor are still active.

1 WHEREFORE, the Debtor moves the Court for an Order Avoiding any and all Judicial
2 Liens held by Butte County Credit Bureau.
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6 Respectfully submitted July 17, 2019

7 Power Law PC

8 By: /s/Stacie L. Power
9 Stacie L. Power, Esq.
10 Attorney for Debtor

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